

Rory T. Kay (NSBN 12416)
John A. Fortin (NSBN 15221)
McDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
Telephone: (702) 873-4100
rkay@mcdonaldcarano.com
jfortin@mcdonaldcarano.com

*Attorneys for Defendants Frank Petosa,
Ryan Hogan, and Michael Woodside*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MELISSA HUTCHISON aka PHOENIX
MARIE, an individual,

Plaintiffs,

vs.

ETHICAL CAPITAL PARTNERS, a foreign
entity; AYLO PREMIUM LTD., a foreign
corporation; DM PRODUCTIONS, a foreign
entity; DIGITAL PLAYGROUND, a foreign
entity; MIND GEEK USA
INCORPORATED, a foreign entity; MG
PREMIUM LTD, a foreign entity; DM
PRODUCTIONS, a foreign entity; DIGITAL
PLAYGROUND, a foreign entity; DANNY
MARTIN aka DANNY D, an individual;
FRANK PETOSA an individual; RYAN
HOGAN, an individual; MICHAEL
WOODSIDE, an individual; and DOES 1
through 50,

Defendants.

Case No.:

**DECLARATION OF RORY T. KAY IN
SUPPORT OF NOTICE OF REMOVAL TO
FEDERAL COURT BY DEFENDANTS
FRANK PETOSA, RYAN HOGAN, AND
MICHAEL WOODSIDE**

I, Rory T. Kay, declare as follows:

1. I am a partner in the law firm McDonald Carano LLP, the firm that represents Defendants Frank Petosa, Ryan Hogan, and Michael Woodside (collectively, the “Removing Defendants”) in this action, and I have personal knowledge of the matters addressed herein. I am legally competent to testify to this Declaration’s contents in a court of law if called on to testify.

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2. This Declaration is made in support of the Removing Defendants' Notice of Removal to Federal Court.

3. The Removing Defendants have not been served with the Summons and/or Complaint in the Eighth Judicial District Court, Clark County, Nevada, Case No. A-24-887250-C ("State Court Action").

4. Based on my due diligence, no other defendants and no "Doe" defendants have been served with the Summons and/or Complaint in the State Court Action.

5. Attached as **Exhibit A** is the Complaint filed by Plaintiff Melissa Hutchison aka Phoenix Marie ("Plaintiff") in the State Court Action on February 15, 2024.

6. Attached as **Exhibit B** is the Initial Appearance and Fee Disclosure filed by Plaintiff in the State Court Action on February 15, 2024.

7. Attached as **Exhibit C** is the Peremptory Challenge filed by Plaintiff in the State Court Action on February 26, 2024.

8. Attached as **Exhibit D** is the Notice of Department Reassignment filed by the Clerk of the Court in the State Court Action on February 27, 2024.

9. To the best of my knowledge, no other documents, orders, notices, or other papers have been filed in the State Court Action as of the date below.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED this 5th day of April, 2024.

By: /s/ Rory T. Kay
Rory T. Kay

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2024, a copy of the foregoing **DECLARATION OF RORY T. KAY IN SUPPORT OF NOTICE OF REMOVAL TO FEDERAL COURT BY DEFENDANTS FRANK PETOSA, RYAN HOGAN, AND MICHAEL WOODSIDE** was filed electronically through the Court's CM/ECF system, which causes service upon all counsel registered thereon.

/s/ CaraMia Gerard
An employee of McDonald Carano LLP